IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 19277 of 2004

Between:

L. Kushal Lachoreya, S/o. L. Ramesh Lochoreya,
R/o. 14-10-934, Lower Dhoolpet, Hyderabad.

..... PETITIONER

AND

1 Central Distribution Company of A.P., Ltd., Operation, South Circle,

Distribution-III, City-IX, Sitarambagh, Hydeabad, rep. by Asst. Divisional

Engineer (Operation).
2 Divisional Engineer, Assessment Office, APCPCTL., Himayatnagar,

Hyderabad.
3 The Inspector of Police, Vigilance & APTS-I, AP Transco, Vidyut Soudha,

Somajiguda, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a writ or order or direction, especially one in the nature of Writ of Mandamus; i) declaring the action of the respondent in issuing Lr.No.ADE/111/327 dated 18.06.2002 to the petitioner and consequential action of the respondents in compelling the petitioner to pay Rs.66,884/- towards the alleged pilferage energy as illegal and arbitrary and set aside the same. ii) consequently declare that the petitioner cannot be charged with pilferage energy of House bearing No.14-10-

933/2, Lower Dhoolpet, Hyderabad.

Counsel for the Petitioner: MR.K.VASUDEVA REDDY

Counsel for the Respondents: SRI KANAKAMEDALA RAVINDRA KUMAR

The Court at the admission stage made the following:

ORDER:

Petitioner states that he is resident of house bearing No.14-10-934, Dhoolpet, Hyderabad and claims to be a student studying graduation. It is stated that one Smt.Sandhyabai is the owner and resident of house bearing No.14-10-933/2, Dhoolpet, Hyderabad with whom the petitioner is not at all concerned. The grievance of the petitioner is that the third respondent has been coercing him to pay a sum of Rs.66,889/- on the ground that he is guilty of pilferage of electricity in the house bearing No.14-10-933/2, which is in occupation of said Smt.Sandhyabai, on the basis of a provisional assessment notice dated 18.06.2002. The specific case of the petitioner is that since he is not at all concerned with the said house bearing No.14-10-933/2, he is not liable to pay the amount alleged to be due under provisional assessment notice dated 18.06.2002 and the action of the respondents in coercing him to make the said payment is arbitrary and illegal.

I have heard the learned counsel for the petitioner and Sri Kanakamedala Ravindra Kumar, learned Standing Counsel

appearing for the respondents.

As can be seen, the matter involves several disputed questions of fact and this Court cannot investigate into the correctness of the allegations made by the petitioner. In the circumstances, I deem it appropriate to dispose of the writ petition granting leave and liberty to the petitioner to make an appropriate representation before the respondents 1 and 2 raising objections against the alleged recovery of the disputed amount within a period of two weeks from today, in which event, the same shall be considered and appropriate orders shall be passed as to the liability of the petitioner within a period of two weeks thereafter.

Till such time, there shall be a direction to the third respondent not to take any coercive steps against the petitioner for recovery of the amount alleged to be due under the impugned proceedings dated 18.06.2002.

Accordingly, the writ petition is disposed of. No costs.

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25.10.2004

VGB

To

1 The Asst. Divisional Engineer (Operation), Central Distribution Company of A.P., Ltd., Operation, South Circle, Distribution-III, City-IX, Sitarambagh, Hydeabad,

2 The Divisional Engineer, Assessment Office, APCPCTL., Himayatnagar, Hyderabad.

3 The Inspector of Police, Vigilance & APTS-I, AP Transco, Vidyut Soudha, Somajiguda, Hyderabad.

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